

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL WHITE,

Plaintiff,

vs.

DAVE DORMIRE and
JEREMIAH JAY NIXON

Defendants.

No. 4:02-CV-1335 (CEJ)

ORDER

This habeas corpus action is before the Court upon the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, to whom the matter was referred pursuant to 28 U.S.C. § 636(b). On August 10, 2005, Judge Mummert issued a Report and Recommendation, recommending that the petition of Michael White, for writ of habeas corpus under 28 U.S.C. § 2254 be denied. The petitioner has filed no objections to the Report and Recommendation even though he was given additional time in which to do so.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III [#19] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of Michael White, for habeas corpus relief [#4] is **denied**.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of September, 2005.